

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IVORY J. VALENTINE,
Petitioner,

No. C 10-1135 MHP (pr)

ORDER OF DISMISSAL

v.

Warden CURRY,
Respondent.

Ivory J. Valentine, an inmate at the Correctional Training Facility in Soledad, filed this pro se action for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition in this action duplicates the petition filed by Valentine to commence Valentine v. Curry, C 09-4586 MHP. The petition in Case No. C 09-4586 was originally filed in this court, while the present action was originally filed in the Southern District of California, and later transferred to this district. This action therefore is dismissed as duplicative of Case No. C 09-4586 MHP. See Bailey v. Johnson, 846 F.2d 1019, 1021 (5th Cir. 1988) (duplicative or repetitious litigation of virtually identical causes of action is subject to dismissal under 28 U.S.C. § 1915 as malicious). Petitioner's in forma pauperis application is DENIED. (Docket # 6.) The clerk shall close the file.

IT IS SO ORDERED.

DATED: June 18, 2010


Marilyn Hall Patel
United States District Judge